IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.Misc. No.68103-M of 2006
Date of Decision:- 23.1.2007

Mukesh ....Petitioner(s)

through
Mrs.Sarla Chaudhary, Advocate

vs.

The State of Haryana & anr. ....Respondent(s)

through
Mr.R.D.Sharma, DAG, Haryana.

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CORAM:-HON'BLE MR.JUSTICE SURYA KANT.

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SURYA KANT, J.

The petitioner, who is undergoing 10 years' rigorous imprisonment under Section 304/323 IPC, assails the order dated 13.10.2006 passed by the Director General of Prisons, Haryana, denying him parole for house repairs.

The petitioner's request has been turned down on the ground that his father and brother can get his house repaired.

Under Section 3 (1) (d) of the Haryana Good Conduct Prisoners (Temporary Release) Act, 1988 a prisoner can be released on parole for a "sufficient cause". There appears to be no dispute that the requirement of house repairs of a prisoner has also been taken as a "sufficient cause."

Relying upon a resolution purported to have been passed by the Gram Panchayat, it is averred on behalf of the petitioner that his parents are quite old and his father has poor eye-sight. It is claimed that there is no other male member in the family who can get his house repaired.

That apart the petitioner's case for release on the parole has been recommended by the District Magistrate, Gurgaon.

In the light of the above-noticed more than one reasons, it appears desirable that the petitioner's case should be reconsidered by the Competent Authority.

Consequently, this petition is allowed to the extent that the impugned order dated 13.10.2006 (Annexure P-1) is quashed and a direction is issued to the Director General of Prisons, Haryana to reconsider the petitioner's case for his temporary release on parole in the light of the observations made hereinabove, within a period of two months from the date of receipt of certified copy of this order.

January 23, 2007 **(SURYA KANT)**
poonam **JUDGE**